

STATE OF SOUTH CAROLINA

South Carolina Electric & Gas Company

v.

DataComm Services, LLC d/b/a DCS Energy

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2011 - 401 - E

(Please type or print)

Submitted by: K. Chad BurgessSC Bar Number: 69456Address: SCANA Corp.
220 Operation Way MC C222
Cayce, SC 29033-3701Telephone: 803-217-8141Fax: 803-217-7810

Other: _____

Email: chad.burgess@scana.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)
☐ Emergency Relief demanded in petition
 ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input checked="" type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input checked="" type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

October 5, 2011

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: South Carolina Electric & Gas Company v. DataComm Services, LLC
d/b/a DCS Energy
Docket No. 2011-401-E

Dear Ms. Boyd:

On September 23, 2011, South Carolina Electric & Gas Company ("SCE&G" or "Company") filed with the Public Service Commission of South Carolina ("Commission") a complaint against DataComm Services, LLC d/b/a DCS Energy ("DCS"). Simply put, SCE&G complained of DCS because it was operating as an electrical utility in violation of South Carolina law. By letter dated September 28, 2011, DCS responded to SCE&G's complaint by admitting that most of the allegations in the Complaint were true and stated that "DCS will leave South Carolina and cease operations within the state." Additionally, DCS requested that the Commission "[r]emove the complaint docket 2011-401-E against DCS, as we will have satisfied the request made in the complaint to cease operations in South Carolina." By way of this letter, SCE&G hereby replies to DCS's September 28 letter.

After learning of DCS's business enterprise and before any interconnection request was submitted to SCE&G, the Company contacted DCS's local representative and met with him on August 2, 2011, for the purpose of obtaining information about DCS's business. During that meeting, the DCS representative was unable to answer all of SCE&G's questions and referred SCE&G to DCS's President, Craig Bradway. After the August 2, 2011 meeting, SCE&G requested a meeting with Mr. Bradway for the purpose of learning more about DCS and understanding how DCS operates in the regulated-utility environment of South Carolina; however, Mr. Bradway refused to meet with SCE&G and instructed the Company to submit its questions to DCS in writing. By letter dated August 18, 2011, and in compliance with DCS's instructions, SCE&G made certain inquiries of DCS. Mr. Bradway responded to SCE&G's questions on August 18, 2011. Contrary to DCS's assertion otherwise, the inquiries made by SCE&G of DCS were not "part

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of the Company's solar interconnection application review process." DCS has never asked SCE&G to interconnect its solar panels to the Company's electric grid. The interconnection request was made by SCE&G's existing customer – the owner of the premise where DCS had installed its solar generating facility.

In its September 28, 2011 letter, DCS claims to be "confused" by SCE&G's action against it because the Company has "allowed solar PV systems to be installed on residential, commercial and public buildings in the recent past." To date, SCE&G has interconnected 112 solar generating facilities to its electric grid collectively representing approximately 530 kilowatts. The confusion resting with DCS is that the owners of the existing solar generating facilities currently interconnected to SCE&G's grid own and operate their solar photovoltaic systems in compliance with South Carolina law. DCS, on the other hand, has chosen to ignore South Carolina law. As long as DCS operates in violation of South Carolina law, SCE&G will not interconnect any DCS solar generating facility to the Company's system unless otherwise ordered by the Commission. SCE&G's decision to not interconnect DCS's solar generating facilities to the Company's grid should not be interpreted as "a discriminatory process or action." SCE&G's decision to not interconnect DCS's solar generating facilities is based upon DCS's decision to operate its business enterprise in South Carolina without regard to the law.

In its September 28 letter, DCS requested that the Commission "[r]emove the complaint docket 2011-401-E against DCS, as we will have satisfied the request made in the complaint to cease operations in South Carolina." SCE&G interprets this portion of DCS's September 28 letter as a request to dismiss the Complaint on the grounds that the Complaint is moot because DCS has informed the Commission that it will (i) no longer offer its solar program in South Carolina; (ii) remove any existing solar panels in SCE&G's service territory; and (iii) not install any new solar panels in South Carolina until solar panels are an approved energy development in South Carolina. SCE&G consents to DCS's request and submits for the Commission's consideration a proposed order resolving this matter.

If you have any questions, please advise.

Very truly yours,



K. Chad Burgess

KCB/kms
Enclosure

(Continued . . .)

The Honorable Jocelyn G. Boyd

October 5, 2011

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cc: Craig Bradway
Thomas Anderson
John W. Flitter
Jeffrey M. Nelson, Esquire
(all electronic and U.S. First Class Mail)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-401-E

IN RE:

South Carolina Electric & Gas)
Company,)
)
v.)
)
DataComm Services, LLC d/b/a)
DCS Energy.)
_____)

ORDER DISMISSING COMPLAINT

This matter comes before the Public Service Commission of South Carolina ("Commission") pursuant to a complaint filed by South Carolina Electric & Gas Company ("SCE&G" or "Company") against DataComm Services, LLC d/b/a DCS Energy ("DCS") on September 23, 2011. In the complaint, SCE&G alleges that DCS is an "electrical utility" as defined at S.C. Code Ann. § 58-27-10(7) (1976, as amended) and requests, among other things, that DCS cease and desist from all utility operations in South Carolina until it obtains from the Commission a certificate of public convenience and necessity as required by law. By letter dated September 28, 2011, DCS responded to the complaint by acknowledging that most of the allegations contained in the complaint were true and represented to the Commission that it is ceasing operations in South Carolina. DCS also informed the Commission that it will (i) no longer offer its solar program in South Carolina; (ii) remove any existing solar photovoltaic systems in SCE&G's territory; and (iii) not

install any new solar photovoltaic systems in South Carolina until solar power is an approved energy development in South Carolina.

By letter dated October 5, 2011, SCE&G replied to DCS's response, stating, among other things, that the Company interpreted DCS's September 28, 2011 letter as a motion to dismiss the Company's complaint and consented to the motion. After carefully reviewing and considering the complaint as well as the subsequent letters filed by DCS and SCE&G in this docket, the Commission finds that DCS's September 28 letter constitutes a motion requesting that the Commission dismiss SCE&G's complaint. The Commission further finds that by letter dated October 5, 2011, SCE&G consented to DCS's motion. Therefore, based upon the foregoing, the Commission finds SCE&G's complaint to be moot and hereby dismisses the complaint against DCS without prejudice.

BY ORDER OF THE COMMISSION:

John E. Howard, Chairman

ATTEST:

David A. Wright, Vice Chairman
(SEAL)